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Letter dated 5 November 2018 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council

The Permanent Mission of Kuwait to the United Nations will host an Arria formula meeting on the theme "Protection of the environment during armed conflict" on Wednesday, 7 November 2018, at 3 p.m. in the Economic and Social Council Chamber. The meeting will be co-sponsored by the Permanent Mission of the Federal Republic of Germany to the United Nations (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mansour A. **Alotaibi**
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Permanent Representative of the State of Kuwait
to the United Nations

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Annex to the letter dated 5 November 2018 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council

Concept note for the Arria formula meeting of the Security Council on the protection of the environment during armed conflict, to be held on 7 November 2018

I. Summary

We find ourselves today in a world where persistent disregard for international humanitarian law and the rules of warfare under the Geneva Conventions callously extends to the environment. To highlight the grave consequences that armed conflict has on the environment, the State of Kuwait will convene an Arria formula meeting, co-sponsored by the Federal Republic of Germany, on 7 November 2018, to coincide with the annual International Day for Preventing the Exploitation of the Environment in War and Armed Conflict (6 November), as declared by the General Assembly in its resolution 56/4.

Considering the threats to the environment caused by warfare, it is imperative to review the legal measures in place today and assess whether they are enough to address the concerns pertaining to the environmental impact of armed conflict, or whether there is a need for a more codified set of legal measures to protect the environment during situations of armed conflict.

II. Background

Throughout history, the environment has been a victim of armed conflict, whereby its destruction and exploitation, intended or otherwise, has had grave short- and long-term ecological, political and economic consequences within the territories of the warring parties and beyond. From both World Wars to the Viet Nam War and the Lebanese civil war, to more recent examples from the two Gulf Wars, to conflicts in Iraq, Liberia, Sierra Leone, the Syrian Arab Republic, Yemen and Kosovo, the environmental consequences of war are clearly demonstrable. Threats to the environment in situations of armed conflict can also affect the international economy, especially if key maritime trade routes are targeted, such as the Red Sea, the Bab al-Mandab Strait, the Strait of Hormuz, the Gulf of Guinea, Lake Chad and the waters off the coast of Somalia, to name but a few.

In many cases, the environment and natural resources have also been the catalyst or root cause of conflict. In a recent statement to the Security Council,[1] Secretary-General António Guterres noted that studies conducted by the United Nations had shown that more than 40 per cent of all internal conflicts over the past 60 years had been linked to the exploitation of natural resources. Additionally, conflicts involving natural resources have also been found to be twice as likely to recur in the first five years after a peace agreement.[2] This is one reason why it is important to understand the illicit economies that fuel conflicts. The other side of the coin is that, when sustainably managed, natural resources and the environment stabilize and revive livelihoods and can be an important factor sustaining peace.

[1] Remarks of the Secretary-General to the Security Council on "Maintenance of international peace and security: the root causes of conflict — the role of natural resources", 16 October 2018.

[2] See www.un.org/en/events/environmentconflictday.

When one considers the impact of war and armed conflict, it is natural to immediately think of variables such as the number of civilian causalities, the livelihood of the people (health, education, employment), internal displacement, forced migration and the destruction of cities and infrastructure. Rarely, however, do we consider the direct and indirect impacts that these conflicts have on the environment, which may persist long after the conflict has ended and have the potential to cause a relapse into conflict, posing a persistent threat to regional or international peace and security. This environmental damage also extends to flora, fauna and their natural habitats, adversely affecting the biodiversity of territorial ecosystems in areas of conflict, often without the possibility of rehabilitation, thus impeding a country's path to sustainable development.

The State of Kuwait experienced first-hand the destructive environmental damage armed conflict can bring upon a country, its land and people, as well as an entire region. In February 1991, following a seven-month occupation of Kuwait, the retreating Iraqi army set ablaze more than 700 oil wells, causing one of the twentieth century's worst human-caused environmental disasters. Such a disaster brought to the forefront of the international community's attention the nexus between armed conflict and the environment. The first well fires were extinguished in early April 1991, with the last well capped on 6 November 1991. To this day, the State of Kuwait is still dealing with the environmental impacts of the war.

As the international community recognizes that peace and security, development and human rights are interlinked and mutually reinforcing, the role of natural resources and the environment has been increasingly recognized in the context of peacebuilding and sustaining peace. Security Council resolution 2282 (2016), along with the corresponding resolution of the General Assembly (resolution 70/262), recall the linkage between sustaining peace and the Sustainable Development Goals. The United Nations Environment Programme has provided targeted field expertise for post-conflict environmental needs since 1999. The universal membership of the United Nations Environment Assembly in 2016 unanimously adopted resolution 2/15, entitled "Protection of the environment in areas affected by armed conflict". In paragraph 1 of that resolution, the Assembly stressed "the critical importance of protecting the environment at all times, especially during armed conflict, and of its restoration in the post-conflict period". It also called on all Member States to implement applicable international law related to the protection of the environment in situations of armed conflict and to consider the application of other relevant international agreements.

III. Objectives

The meeting will provide a platform for members of the Security Council to address the interlinkages between the environment and armed conflict. During the meeting, Council members may wish to focus their statements by addressing the following questions:

- Can current international law and policies be better reflected, implemented or progressively developed to better contribute to the protection of the environment and natural resources during armed conflict? What are the gaps in the underlying legal frameworks governing the protection of the environment in armed conflict?
- How can the United Nations, and the Security Council in particular, ensure that action on the environment is part of conflict prevention, peacekeeping and peacebuilding strategies?

- What role can Member States play in order to ensure and encourage the protection of the environment and natural resources during armed conflict?
- In the event of an adverse environmental impact because of armed conflict, how can the Security Council and the international community ensure accountability and fair reparations?
- What role can the United Nations play to strengthen cooperation and response mechanisms relating to an environmental disaster caused by warfare and military reprisals?

IV. Meeting format

The Arria formula meeting will be open to attendance by all United Nations Member States, accredited non-governmental organizations and media outlets, without the right to make interventions. The meeting will commence with brief statements by its main panellists, followed by interventions by current and incoming Security Council members.

V. Panellists

The main panellists of the meeting will be the following:

- Mr. Satya Tripathi, Assistant Secretary-General and Head of the New York Office of the United Nations Environment Programme
- Mr. Carl Bruch, Director of International Programs at the Environmental Law Institute and co-founder of the Environmental Peacebuilding Association.